

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

HOWARD HAYS

PLAINTIFF

V.

NO.: 4:17CV133-MPM-RP

STATE OF MISS, ET AL.

DEFENDANTS

ORDER

Pending before the Court is Howard Hays' second motion to alter or amend this Court's judgment dismissing his § 1983 suit with prejudice. Hays brings the instant motion pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. An order granting such relief is appropriate when: (1) there has been an intervening change in the controlling law, (2) the movant presents newly discovered evidence that was previously unavailable, or (3) it is necessary to correct a manifest error of law or fact. *Schiller v. Physicians Resource Group, Inc.*, 342 F.3d 563, 567 (5th Cir. 2003).

This Court has already twice ruled that this civil action is barred by *res judicata*, as it is duplicative of an earlier-filed action. *See, e.g.*, Doc. #8 at 3; Doc. #11; *Hays v. Granderson*, 4:15cv51-NBB-DAS (N.D. Miss.). In the instant motion, Hays argues that this action is not duplicative, as the defendants have engaged in a pattern of behavior that denied him of his due process and other constitutional rights. Doc. #12 at 3. Hays' argument does not cast any doubt on the validity of the Court's prior finding that this action is impermissibly duplicative. Therefore, Rule 59(e) relief is not warranted, and the instant motion [12] is **DENIED**.

SO ORDERED this 21st day of November, 2017.

/s/ Michael P. Mills

UNITED STATES DISTRICT JUDGE